



R. Scott Thompson

Member of the Firm

Tel 973 597 2532

Fax 973 597 2533

sthompson@lowenstein.com

October 4, 2012

VIA ECF

Hon. Cathy L. Waldor, U.S.M.J.
District of New Jersey
King Federal Building & Courthouse
50 Walnut Street
Newark, New Jersey 07101

Re: *BanxCorp v. Bankrate, Inc.*, Civ. No. 07-3398 (KM-CLW)

Dear Judge Waldor:

I write to advise the Court regarding the parties' discussions regarding the Seventh Amended Complaint ("7AC") and scheduling issues. BanxCorp filed the 7AC on Tuesday, October 2, 2012. Bankrate has agreed not to file motions addressing the sufficiency of the allegations in the 7AC, and will answer the 7AC by October 16, 2012.

The parties have agreed upon the following schedule for expert discovery: Expert reports supporting each side's affirmative positions will be exchanged on October 23, 2012. Expert reports responding to the initial reports will be exchanged on November 23, 2012. Depositions of experts will be completed by December 21, 2012.

In light of the parties' agreements on these issues, we do not believe that a conference with Your Honor, as anticipated by Judge Salas' September 11, 2012 order, is necessary. We will submit a formal scheduling order in connection with expert discovery if Your Honor believes that it is necessary.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "R. Scott Thompson".

R. Scott Thompson

Cc: All Counsel (ECF)